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CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: ns SCANNED BY: *[Signature]*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRENT MICHAEL EDINGTON,

Defendant.

**2:19-cr-8**

**Paul L. Maloney**  
**U.S. District Judge**

**FELONY INFORMATION**

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The United States Attorney charges:

**INTRODUCTION**

At all times pertinent hereto, the following relevant facts were true:

1. The United States Department of Agriculture ("USDA"), Farm Services Agency ("FSA") funds and administers government-funded loans to farmers. The FSA has the responsibility for approving, collecting, servicing, and liquidating all loans made or insured by the FSA under the various farm loan programs of the USDA. The basic objective of the FSA loans is to provide credit and management assistance to farmers to become operators of family-sized farms or continue such operations when credit is not available elsewhere.
2. A Request for Direct Loan Assistance is an application form used by the FSA that all individuals and businesses applying for FSA loans must complete. The Request form requires applicants to list their personal financial information and explain their farming experience, and must be signed and certified as true.

3. A Farm Business Plan Worksheet is a form used the FSA to determine eligibility and feasibility for loans and loan guarantees. A loan applicant lists his liabilities and assets on this form. The FSA has the applicant's listed machinery and equipment assets appraised prior to approving a loan request.

4. The FSA relies on the Request for Direct Loan Assistance, the Farm Business Plan Worksheet and other forms as well as the appraisal of collateral listed in the Farm Business Plan Worksheet when it determines whether an applicant qualifies for an FSA farm operating loan.

5. Once the FSA determines an applicant qualifies for an FSA farm operating loan, a Notification of Loan Approval and Borrower Responsibilities (the FSA-2313 form) is issued. This Notification sets forth the terms and conditions form the Farm Operating Loan.

6. An FSA-2028 form is a security agreement filled out by the borrower at the time of the Farm Operating Loan. This security agreement requires the borrower to list all farm equipment, crops, and livestock pledged as collateral for the Farm Operating Loan and to affirm under criminal penalties of Title 18, United States Code, Section 1001, that he is the absolute and exclusive owner of each item listed.

7. Defendant BRENT MICHAEL EDINGTON is a farmer from Pickford, Michigan.

8. In March 2012, BRENT MICHAEL EDINGTON applied for a FSA Farm Operating Loan. BRENT MICHAEL EDINGTON filled out and submitted a Request for Direct Loan Assistance as well as a Farm Business Plan Worksheet.

9. On April 24, 2012, based on the representations in his application, the FSA approved BRENT MICHAEL EDINGTON's loan request and the FSA issued a Notification of Loan Approval and Borrower Responsibilities, FSA 2313-form.

10. On April 30, 2012, BRENT MICHAEL EDINGTON certified that he had read and did agree to the terms and conditions of the loan approval and the borrower responsibilities set out in the FSA 2313-form.

11. On June 5, 2012, BRENT MICHAEL EDINGTON filled out and submitted an FSA-2028 form.

12. On June 5, 2012, the FSA Farm Operating Loan closing took place. The loan was divided into two notes: Note 01 for \$35,000 and Note 02 for \$30,000. The interest rate on each note was 1.25 percent. The terms of the loan stated that the proceeds were to be allocated in the following manner: \$20,000 refinancing of a private loan; \$15,000 for the purchase of dairy cattle; \$5000 for the purchase of grain; and \$25,000 for the purchase of feeder cattle. The loan required BRENT MICHAEL EDINGTON to use a supervised bank account to disperse loan proceeds.

13. BRENT MICHAEL EDINGTON made one regular payment in the amount of \$437 towards Note 01. BRENT MICHAEL EDINGTON made three regular payments in the amount of \$437 each and one voluntary payment of \$6,138.33 towards Note 02. Thereafter, BRENT MICHAEL EDINGTON defaulted

on the loan obligations and made no other payments. Treasury offsets were applied to Note 02 until it was satisfied in full. An outstanding balance remains as to Note 01.

14. The United States Attorney incorporates into its singular charge, specifically and by reference and as if stated therein, the allegations and assertions stated in the Introduction.

**CONSPIRACY TO MAKE FALSE STATEMENTS TO INFLUENCE THE FSA**

Beginning in or about March 2012 and continuing through August 2012, in Mackinac County, in the Northern Division of the Western District of Michigan, and elsewhere,

**BRENT MICHAEL EDINGTON,**

did conspire with one or more persons known and unknown to the United States Attorney to knowingly make false statements for the purpose of influencing the action of the United States Department of Agriculture, Farm Services Agency, a successor agency to the Farmers Home Administration, in connection with Farm Services Agency loans, in violation of 18 U.S.C. § 1014.

**OBJECT OF THE CONSPIRACY**

15. The object of the conspiracy was to obtain an FSA farm operating loan for BRENT MICHAEL EDINGTON by making false statements and representations to the FSA and to use the proceeds of those farm loans for the personal use and enjoyment of BRENT MICHAEL EDINGTON and his spouse.



### **MANNER AND MEANS**

16. It was part of the conspiracy that BRENT MICHAEL EDINGTON and his father agreed that BRENT MICHAEL EDINGTON would make false statements and representations in order to obtain an FSA loan. Based on the misrepresentations made in the Farm Business Plan Worksheet and the FSA-2028 form, BRENT MICHAEL EDINGTON convinced the FSA that he had sufficient assets to qualify for an FSA farm loan.

17. It was further part of the conspiracy that once BRENT MICHAEL EDINGTON obtained the FSA farm loan, BRENT MICHAEL EDINGTON made false statements on invoices submitted to the FSA in support of drawing on supervised accounts allocated for the purchase of cattle and enlisted the help of his friend and his friend's father to influence the FSA to issue loan proceeds in order to conceal the fraud perpetrated by him and his co-conspirators.

18. It was further part of the conspiracy that BRENT MICHAEL EDINGTON did not use the farm loans for their intended purposes and failed to pay the farm loans as prescribed by the loan terms and conditions.

### **OVERT ACTS**

19. In furtherance of the conspiracy and in order to effect the object thereof, the following overt acts, among others, were committed by one or more of the co-conspirators:

A. In March 2012, BRENT MICHAEL EDINGTON submitted a Farm Business Plan Worksheet in conjunction with his Request for Direct Loan

Assistance to the FSA. In this Farm Business Plan Worksheet, BRENT MICHAEL EDINGTON falsely represented that he was the owner of all farm equipment listed in the Farm Business Plan Worksheet. Most of the farm equipment listed in the Farm Business Plan Worksheet was owned by BRENT MICHAEL EDINGTON's father.

B. On or about June 5, 2012, BRENT MICHAEL EDINGTON submitted a FSA-2028 form. In this FSA-2028 form, BRENT MICHAEL EDINGTON falsely represented that he was the absolute and exclusive owner of all farm equipment listed in the FSA-2028 form. Most of the farm equipment listed in the FSA-2028 form was owned by BRENT MICHAEL EDINGTON's father.

C. On or about July 30, 2012, BRENT MICHAEL EDINGTON presented a handwritten document to the FSA indicating he had purchased cattle from his friend's father for the amount of \$2070. BRENT MICHAEL EDINGTON did not purchase this cattle from his friend's father on that date or on any other date in time.

D. In July 2012 or August 2012, BRENT MICHAEL EDINGTON told his friend that a check in the amount of \$2070 would be issued to his friend's father. BRENT MICHAEL EDINGTON asked his friend to have it endorsed and then tender the money to him. His friend agreed to do so. After BRENT MICHAEL EDINGTON's friend received the check issued by the FSA to his father, he had his father endorse the check and then tendered the amount of \$2070 to BRENT

MICHAEL EDINGTON. BRENT MICHAEL EDINGTON used the proceeds solely for his own benefit.

E. On February 26, 2016, BRENT MICHAEL EDINGTON voluntarily executed a sworn statement to a special agent of the United States Department of Agriculture Office of Inspector General. In that sworn statement, BRENT MICHAEL EDINGTON falsely stated that he purchased cattle from his friend's father. Later, BRENT MICHAEL EDINGTON admitted to the same special agent that the sworn statement was false and no cattle transaction between himself and his friend's father took place.

18 U.S.C. § 371  
18 U.S.C. § 1014

ANDREW BYERLY BIRGE  
United States Attorney

Date: 06/03/2019

  
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KRISTIN M. PINKSTON  
Assistant United States Attorney